

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JTS Capital 3 LLC,)	
)	
Plaintiff,)	Civil Action No. 23-cv-19-WSS
v.)	
)	
Pittsburgh Development Group, LLC,)	
)	
Defendant.)	Related to Bankruptcy No. 22-22293-CMB

MOTION TO REFER CASE TO BANKRUPTCY COURT

Plaintiff JTS Capital 3 LLC (the “Plaintiff”), by and through undersigned counsel and pursuant to 28 U.S.C. § 157 and the Order of Reference in Bankruptcy Cases and Proceedings *Nunc Pro Tunc* dated October 16, 1984, files this Motion To Refer Case To Bankruptcy Court (“Motion to Refer”):

1. Movant is the Plaintiff, JTS Capital 3 LLC.
2. As more specifically articulated in the Notice of Removal of State Court Proceeding Pursuant To 28 U.S.C. §§ 1334, 1452 and Federal Rule of Bankruptcy Procedure 9027 (the “Notice of Removal”) (Dkt. 1), this Civil Action arises in and relates to a case under Title 11.
3. The arguments and facts contained in the Notice of Removal are incorporated herein by reference.
4. This Civil Action is within the core jurisdiction of the United States Bankruptcy Court for the Western District of Pennsylvania, because it involves administration of the bankruptcy estate and the allowance and disallowance of claims against the estate in the Bankruptcy case of *In re Gabriel S. Fontana*, 22-22293-CMB. 28 U.S.C. §§ 157(b)(2)(A), (B) and 1334(b).

5. Pursuant to the Order of Reference of Bankruptcy Cases and Proceedings *Nunc Pro Tunc* dated October 16, 1984, this Civil Action must be referred to the Bankruptcy Judge Carlota M. Bohm of the United State Bankruptcy Court for the Western District of Pennsylvania.

6. On or about December 29, 2022, Plaintiff requested consent from all parties interest, including Counsel for Dan Asti and Gabriel Fontana. Counsel for Gabriel Fontana has consented to the relief requested herein. Counsel for Dan Asti has not responded to Plaintiff's request.

WHEREFORE, JTS Capital 3 LLC respectfully requests that this Honorable Court enter an Order which refers this Civil Action to the Bankruptcy Court and that this Court grant the Plaintiff such further and other relief as it deems just and proper.

Dated: January 10, 2023

Respectfully submitted,

/s/ Jillian Nolan Snider

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Sloane B. O'Donnell (Pa. Bar No. 321295)

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that I served a copy of the Motion to Refer Case to Bankruptcy Court on the following parties of record via U.S. Mail and/or Email:

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